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Statement from the Kentucky Board of Licensed Professional Counselors regarding the use of Artificial Intelligence in the counseling profession

Date: February 12, 2026

The Kentucky Board of Licensed Professional Counselors (“the Board”) acknowledges the growing presence of artificial intelligence (AI) and its potential applications within the counseling profession. While we recognize the potential benefits of AI as an adjunct tool, it is critical that licensees understand that the integration of this technology does not alter or diminish their existing professional and ethical obligations.

The Board's primary mandate is the enforcement of statutes and regulations that guide the profession of Counseling in Kentucky. The use of AI in counseling practice must not compromise patient privacy, the integrity of the therapeutic relationship, or the professional accountability of the licensee. Artificial Intelligence is not, and cannot be, a licensed professional in Kentucky and therefore cannot provide clinical counseling services. All clinical judgment, therapeutic decisions, and oversight remain the sole responsibility of the licensed counselor and their clinical supervisor, if applicable.

Applicable Laws and Regulations

This list is not exhaustive and other rules and laws may apply.

While Kentucky does not currently have specific statutes or administrative regulations dedicated solely to AI in counseling, several existing laws and regulations govern a licensee's responsibilities when using technology and handling client information. When incorporating AI into practice, licensees must ensure full compliance with the following:

1. Code of Ethics (201 KAR 36:040): The Board's Code of Ethics is the foundational document for professional conduct. Several sections are directly relevant to AI usage:

- **Avoiding Harm:** Counselors must avoid harming a client and minimize unavoidable or unanticipated harm. This includes risks associated with AI errors, biases, or privacy breaches.
- **Confidentiality:** Licensees must protect client privacy and confidentiality when using or storing client data with AI tools.

- **Professional Competence:** Counselors must only practice within their area of competence. This now includes a foundational knowledge of how any AI tools they use function, their capabilities, and their limitations.
- **Client Welfare:** Client well-being is paramount. If a counselor determines that a client's welfare may be compromised by the use of AI, alternative approaches must be used.

2. Informed Consent (201 KAR 36:040. Section 2(8), (13), & (17)): Using AI in any part of a client's care requires explicit and transparent informed consent. Licensees must inform clients about the use of AI tools in their counseling process, explaining their purpose, benefits, and potential risks. This includes:

- Informing clients that they can opt-out of the use of AI in their treatment.
- Communicating the risks to confidentiality that may arise from technology use.

3. Distance Counseling (Telehealth) Regulation (201 KAR 36:045): The principles established in the Board's distance counseling (telehealth) regulation are directly applicable to the use of AI, particularly for client privacy and security.

- **Secure Communications:** When using AI tools that handle client information, licensees must use secure, HIPAA-compliant communication to protect data.
- **Documentation:** All use of AI in treatment, such as generating notes, must be properly documented in the client's record.

5. Data Privacy and Governance (KRS 42.722, KRS 42.726): Recent Kentucky legislation, including Senate Bill 4, has established an Artificial Intelligence Governance Committee to regulate AI use by state government agencies. While primarily focused on the public sector, this legislative direction emphasizes principles of transparency, data privacy, and ethical procedures for the allowable use, development, and approval of AI for any entity that uses or accesses the Commonwealth's information technology and technology infrastructure (e.g., eServices) that align with the Board's expectations for licensed professional counselors.

Board Recommendations and Future Considerations

- **Ethical Review:** Licensees must conduct a thorough ethical review before implementing any AI-powered tools in their practice, considering the potential impact on client care, privacy, and the therapeutic alliance.

- **AI as an Adjunct:** AI should be used as an adjunct to, not a replacement for, the expertise of a professional counselor. AI-assisted diagnoses, for example, must be critically evaluated and supplemented by the counselor's own professional judgment.
- **Ongoing Competency:** Licensees are responsible for maintaining current competency regarding AI and its application in counseling through continuing education and ongoing consultation.
- **Vendor Transparency:** When using vendor-provided AI applications, licensees should understand how the system works, how data is collected and stored, and confirm compliance with HIPAA and other privacy protections.
- **Stay Informed:** Licensees should stay informed about the rapidly evolving AI landscape and any future guidance from the Board, as additional regulations or standards may be developed. The Board is actively monitoring national trends and potential state-level regulations related to AI in professional counseling.

The Board is committed to ensuring that all licensees remain compliant with the statutes and regulations governing the practice of professional counseling in Kentucky, including applicability of those laws to licensees' use of technological innovations like AI. However, those innovations should be used to enhance, rather than compromise or replace, the human connection that is at the heart of the counseling profession.